

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE MOORISH SCIENCE TEMPLE THE
DIVINE & NATL MOVEMENT OF
NORTH AMERICA INC #13,
MOORISH NATL REPUBLIC

Plaintiff

v.

HONORABLE BENSON E. LEGG

Defendant

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CIVIL ACTION NO. AMD-05-2827

MEMORANDUM

On October 17, 2005, Sheik Bobby C. McQueen-Bey filed this fee-paid complaint on behalf of the plaintiff, The Moorish Science Temple The Divine & National Movement of North America, Inc. #13, Moorish National Republic, invoking this court's federal question jurisdiction pursuant to 28 U.S.C. § 1331. The complaint reads as follows:

According to Pres. Abraham Lincoln Proclamations including the 13th Amendment with 20 section, and the true polices [sic] of Prophet Noble Drew Ali's Charter of warrant and dispensation we command this court to discharge the following debts through our Quit Claim Deed, form 1099, and surety bond, which is attached. Any further information that may be needed should be directed to Sheik Bobby C. McQueen-Bey, Director of the Moorish Bureau of Investigation at P.O. Box 23408, Baltimore, Maryland 21203 Office, or 3404 Tulsa Rd, Gwynn Oak, Md. 21207.

Paper No. 1 at 1-2.

Plaintiff seeks to discharge its debts and names the Chief Judge of this Court as the "debtor." Attached to the complaint are approximately 30 pages of documents, primarily comprised of numerous self-prepared forms, including a "negotiable bill of exchange," a "surety bond," a "quitclaim deed," an "oath of amnesty and reconstruction," and a "certificate of registration," as well as mortgage and loan statements and credit card and retail store invoices. *Id.* at Attachments.

It is well established that a court has broad, inherent power *sua sponte* to dismiss an action,

or part of an action, which is frivolous, sham, vexatious, or brought in bad faith. *See Fitzgerald v. First East Seventh Street Tenants Corp.*, 221 F.3d 362, 363-64 (2^d Cir. 2000) (district courts have the authority to dismiss frivolous complaint sua sponte, notwithstanding the payment of the filing fee); *Crowley Cutlery Co. v. United States*, 849 F.2d 273, 277 (7th Cir. 1988) (federal district judge has authority to dismiss a frivolous suit on his own initiative); *Brown v. District Unemployment Compensation Board*, 411 F. Supp. 1001 (D.C. 1975) (district court has inherent power to control the judicial process and dismiss frivolous or harassing action sua sponte).

Plaintiff's cause of action has been construed as arising under federal law.¹ It seeks to discharge its "debts" by suing the Chief Judge of this court. The complaint is frivolous and will be dismissed for the failure to state a claim and without requiring service of process on defendant.

A separate Order follows.

Filed: October 28, 2005

/s/_____
Andre M. Davis
United States District Judge

¹The court observes that the complaint was not filed in compliance with Local Rule 101.a. (D. Md. 2004), which provides that only individuals may represent themselves. The plaintiff is a corporate entity and may only be represented by counsel. Mr. McQueen-Bey is not a member of the bar and cannot represent the corporate plaintiff. Nonetheless, the case shall be dismissed for the reason stated above. The Clerk shall be directed to provide a copy of this Memorandum and the separate Order to Sheik Bobby C. McQueen-Bey, Director of the Moorish Bureau of Investigation at P.O. Box 23408, Baltimore, Maryland 21203 Office, or 3404 Tulsa Rd, Gwynn Oak, Md. 21207.